



Herman Van Rompuy
President of the European Council

Brussels, 25 May 2011
Our Ref: B1086

Dear Mr Van Rompuy,

Demonstrate human rights commitment at the EU - Japan Summit

The EU-Japan Summit in Brussels on 28 May 2011 is an excellent opportunity for these two global actors to reiterate and act on their commitment to protecting and promoting human rights, at home and abroad.

Japan and the EU must take a clear stand on the need to fight impunity and ensure accountability for human rights abuses. In Asia, the EU and Japan should support the call by the UN Secretary General's Panel of Experts on Accountability in Sri Lanka for the establishment of a commission of inquiry into alleged war crimes and crimes against humanity. Failing to do so may set a dangerous precedent by suggesting there will be no consequences for grave crimes under international law. Similarly, in light of Myanmar's failure to establish accountability for grave violations of human rights and international humanitarian law, Japan and the EU should actively support the establishment of an international investigation with a view to finally address impunity in the country.

As aspiring leaders in the field of human rights, Japan and the EU must also ensure accountability for their own past human rights violations, and lead by example by consistently improving the current human rights situation.

Japan must provide justice for survivors of the military sexual slavery system run by the Japanese Imperial Army before and during World War II. Providing full reparations according to international standards is key, as the denial of justice prolongs these women's suffering. We are also concerned about Japan being one of the few industrialised countries still using the death penalty, which is the ultimate form of cruel, inhuman and degrading punishment and violates the right to life. In 2010, two people were executed in Japan and 118 persons are currently on death row. To increase independent monitoring of the human rights situation in the country, Japan must establish and adequately resource a national human rights institution which fulfils the requirements of the Paris Principles.

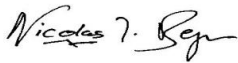
The EU must urgently review its migration policies and ensure human rights are central to any 'migration management' cooperation with third countries. In particular, the EU should take tangible measures, in accordance with applicable human rights obligations, in dealing with displacement resulting from unrest in North Africa and the armed conflict in Libya. The EU must also reassert its adherence to international law by ensuring accountability for complicity in human rights violations committed in connection with the US-led rendition and secret prisons programmes.

In view of the above, Amnesty International urges Japan and the EU to hold a substantive discussion on human rights at the summit, and to:

- Speak out against human rights abuses and support international calls to bring perpetrators responsible for human rights abuses to justice, particularly by supporting the establishment of international commissions of inquiry in Sri Lanka and Myanmar.
- Japan must provide justice for the 'comfort women' survivors in line with international standards, introduce a formal moratorium on executions as a first step toward abolition of the death penalty, and establish a National Human Rights Institution in accordance with the Paris Principles.
- The EU must ensure its policies and practices on migration and asylum fully comply with international human rights standards, and ensure accountability for human rights violations committed in the context of counter-terrorism operations.

We wish you fruitful discussions and remain at your disposal for any further information you might require.

Yours sincerely,



Dr. Nicolas J. Beger
Director

Cc:

José Manuel Barroso, President of the European Commission

Catherine Ashton, High Representative for Foreign Affairs and Security Policy, Vice President of the European Commission

Vioel Isticioaia-Budura, Managing Director Asia Department, EEAS

James Moran, Head of Asia Department, EEAS

Maria Marinaki, Managing Director for Global and Multilateral Issues, EEAS

Véronique Arnault, Head of Human Rights and Democracy Department, EEAS

Hans Dietmar Schweisgut, Head of the EU Delegation to Japan

Relevant Amnesty International reports and documents:

Japan

- Letter: *Open letter to the Prime Minister of Japan*
28 September 2009 (AI Index: ASA 22/013/2009)
Congratulating the Prime Minister on his election, Amnesty International used the opportunity to raise concerns regarding human rights in Japan. The organization expresses its concerns about international development assistance and human rights; the death penalty and the *daiyo kangoku* system; justice for survivors of Japan's military sexual slavery system; refugees and asylums seekers, and the lack of a national human rights institution.
<http://www.amnesty.org/en/library/info/ASA22/013/2009/en>
- Public Statement: *Amnesty International supports international petition for justice for "comfort women"*
25 November 2010 (Index: ASA 22/009/2010)
<http://www.amnesty.org/en/library/asset/ASA22/009/2010/en/822fe3ca-b7f9-4f05-81dc-bbf1a7987d23/asa220092010en.pdf>
- Report: *Still Waiting After 60 years: Justice for Survivors of Japan's Military Sexual Slavery System* 27 October 2005 (Index: ASA 22/012/2005)
Amnesty International calls on Japan to accept full responsibility for the crimes committed against "comfort women" and provide full reparations to survivors of the military sexual slavery system and their immediate families in accordance with international standards and in a way acceptable to the survivors themselves. This report examines the limited steps the Japanese government has taken to "atone" including apologies made by prominent officials and the establishment of the Asian Women's Fund to distribute "atonement money". It concludes that these measures still fail to meet international standards on reparation.
<http://www.amnesty.org/en/library/info/ASA22/012/2005/en>
- Public Statement: *Amnesty International and ADPAN call for Japanese prisoner on death row for 43 years to be granted a stay of execution and removed from death row*
10 March 2011 (Index: ASA 22/002/2011)
<http://www.amnesty.org/en/library/info/ASA22/002/2011/en>
- Report: *Hanging by a thread: Mental health and the death penalty in Japan*
10 September 2009 (Index: ASA 22/005/2009)
The use of the death penalty is in decline globally. Japan is one of the few industrialized countries to continue to use it, hanging a small number of prisoners each year. This report discusses the legal basis for exempting mentally ill prisoners from the death penalty and documents the situation faced by such prisoners on death row in Japan. It calls on the authorities to ensure that mentally ill prisoners are not executed and to implement a moratorium on the death penalty.
<http://www.amnesty.org/en/library/info/ASA22/005/2009/en>

Europe

- Press release: *EU ministers create smokescreen over refugees from North Africa*
12 May 2011
Ahead of the EU's Justice and Home Affairs Council, Amnesty International expressed concern at how the EU and member states are responding to fallout from political unrest in Tunisia and the displacement caused by the armed conflict in Libya.
<http://www.amnesty.eu/en/press-releases/asylum-and-migration-0494/>
- Press release: *'Don't shirk your responsibilities': EU urged to help people fleeing Libya*
8 April 2011
Amnesty International urges the EU to take tangible action to support international efforts to help people affected by the unrest in North Africa and continuing armed conflict in Libya. Faced with the current crisis, Amnesty International appeals to the EU and its member states to do more to help displaced people.
<http://www.amnesty.eu/en/press-releases/asylum-and-migration/0493-0493/>

- Press release: *'Do the right thing': Amnesty International challenges EU to protect migrants fleeing North Africa*
23 February 2011
Ahead of the Justice and Home Affairs Council's discussion on the increased flow of people fleeing unrest in North Africa, Amnesty International urged the EU to rise to the challenge, and criticised the short-sighted approach by EU member states. Amnesty International calls on the EU and its member states to review their approach to the challenges of migration, and to focus on the human rights impact of EU policies which aim to block irregular migration.
<http://www.amnesty.eu/en/press-releases/asylum-and-migration/0481-0481/>
- Press release: *Lithuania must come clean on CIA prisons*
19 May 2011
Amnesty International condemns the premature closure of investigations in Lithuania and urges the Prosecutor General to hold a full, effective, and impartial investigation. This press release follows the publication of the report of the European Committee for the Prevention of Torture which criticised Lithuania's Prosecutor General for failing to investigate fully whether CIA detainees were held and ill-treated in secret detention facilities on Lithuanian soil. The Committee also criticised Lithuania for using state secrecy as an excuse for refusing to release information.
<http://www.amnesty.eu/en/press-releases/all-0496/>
- Report: *Open secret: Mounting evidence of Europe's complicity in rendition and secret detention*
15 November 2010 (Index EUR 01/023/2010)
European states played a shameful role in the covert programme of rendition and secret detention run by the US CIA following the attacks in the USA on 11 September 2001. This report is a survey of the "state of play" of investigations, parliamentary inquiries and other accountability processes across Europe. Governments and the public should capitalize on the momentum generated by these investigations to ensure that all complicit states are held accountable and those responsible for such serious human rights violations do not get away with their crimes.
<http://www.amnesty.org/en/library/info/EUR01/023/2010/en>

Sri Lanka

- Public statement: *Human Rights Council Support for an International Investigation is Necessary to Address Impunity for Violations and Abuses of International Human Rights and Humanitarian Law* 17 May 2011 (Index: ASA 37/005/2011)
<http://www.amnesty.org/en/library/info/ASA37/005/2011/en>
- Press release: *UN must act now on Sri Lanka war crimes report*
26 April 2011 (Index: PRE01/224/2011)
The UN report on war crimes committed during the final stages of Sri Lanka's civil war underscores the need for international accountability for those responsible. The report bolsters Amnesty International's position that the national Commission is not impartial and has no mandate or will to investigate and prosecute the alleged crimes. Amnesty International also calls on other countries to exercise universal jurisdiction to investigate crimes identified in the report and to prosecute them in their national courts, where appropriate.
<http://www.amnesty.org/en/for-media/press-releases/un-must-act-now-sri-lanka-war-crimes-report-2011-04-26>

Myanmar

- Public statement: *No international compromise on human rights in Myanmar*
11 March 2011 (Index: ASA 16/001/2011)
<http://www.amnesty.org/en/library/info/ASA16/001/2011/en>
- Public statement: *UN General Assembly should call for commission of inquiry*
3 September 2010 (Index: ASA 16/011/2010)
<http://www.amnesty.org/en/library/info/ASA16/011/2010/en>
In these statements, issued on the occasion of sessions of the UN Human Rights Council and the UN General Assembly, Amnesty International urges the international community to establish an international commission of inquiry into serious human rights violations committed in Myanmar, including crimes against humanity and possible war crimes.